

THE PORT DISTRICT OF SOUTH WHIDBEY ISLAND
REGULAR MEETING

Meeting held at South Whidbey Parks & Rec District, 5475 Maxwelton Rd, Langley WA
Tuesday, July 10, 2012 at 7:30 p.m.

AGENDA**

WORKSHOP (7:15 – 7:30 P.M.): Commission review of vouchers and recent correspondence

REGULAR MEETING CALL TO ORDER and PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Approval of Current Vouchers (dated July 2012 in the amount of \$74,118.90)

Approval of Minutes from Regular Meeting of April 10 and Special Meetings of March 7, March 29, April 18, and May 3, 2012.

FINANCIAL ACTION ISSUES

May 2012 Financial Report

PUBLIC COMMENT – Items not on Agenda: Please limit comments to 5 minutes

ACTION ISSUES

Possession Beach Waterfront Park Update

1. Property Lease to AT&T
2. Ramp Rebuild – Boating Facilities Program (BFP) Planning Grant application status

South Whidbey Harbor Update

1. Boat Ramp Boarding Floats
 - A. Permit Issues
 - City of Langley: Building Permit submittal under review, DRB presentation on July 17
 - B. Design Issues
 - Emergency Assistance from Saratoga Environmental & Land Services
 - Reid Middleton: Direction to proceed to bid documents
 - C. Construction Schedule: Tentative Dates & Duration
2. Phase 1: Breakwater Relocation with Uplands & Utility Improvements
 - A. Permit Issues
 - City of Langley: Process update
 - Corps of Engineers: Update
 - B. Design Issues
 - Additional assistance for Langley DRB/permitting?
 - C. Property Issues
 - Proposed Port Management Agreement (PMA) & Aquatics Land Lease modifications with Department of Natural Resources (DNR). Initial plan being revised for resubmittal.
 - Lots 20 & 21: West side boundary location being investigated by escrow & title companies
 - D. Funding Issues
 - Port Security Grant (FEMA), including Consortium coordination
 - RCEDF InterLocal Agreement: Amendment requested 5/31/12 (schedule/permitting issue)
3. Phase 2 and Beyond
 - A. Planning Issues
 - School/City/Port Memorandum of Understanding for Langley Middle School Parking
4. Harbor Operations

Clinton Beach, Fishing Pier & Dock Update

1. Emergency Stabilization and Wood Ramp Demo & Removal Project

Port Operations Updates

1. Dave Mackie/Maxwelton Park: Request for participation/assistance from Is.Co. re: storm drainage
2. Applications for Funds: Request from Langley Main Street Assoc. re: Historic Photo Event

New Project Opportunities

1. Mukilteo Parking Issues: Gordon

ACTIVITIES/INVOLVEMENT REPORTS**Economic Development Council (EDC): Jerome**

1. Island County Sign Code Update: 1st Draft
2. Annual Luncheon on Friday June 15 in Oak Harbor

Council of Governments (COG): Gordon**Skagit-Island Regional Transportation Policy Organization (RTPO): Gordon****Marine Resources Committee (MRC): Gregoire****Washington Public Ports Association (WPPA): Jerome**

1. Finance & Administration Seminar, June 20-22 in Winthrop

Puget Sound Partnership:**Langley Shoreline Master Plan Committee: Gregoire****Island County Shoreline Master Plan: Gregoire****RCO WWRP Water Access Committee: Field****OLD BUSINESS****NEW BUSINESS****ADJOURNMENT**

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Regular Meeting

July 10, 2012

Langley, Washington

Commissioners Present: Curt Gordon (Clinton), Dennis Gregoire (Freeland) and Chris Jerome (Langley)

Others Present:

Port Staff: Ed Field (Port Operations Manager), Angi Mozer (Port Finance Manager) and Molly MacLeod-Roberts (Port Clerk); **Others:** James Sundberg (Langley City Council Member), Matt Kukuk (Saratoga Environmental & Land Services) Kathleen Waters (Langley), and Nancy Waddell (Clinton)

MEETING CALL TO ORDER: Following a Workshop from 7:15 p.m. to 7:30 p.m. for informal Commission review of vouchers and recent correspondence, the Regular Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on Tuesday, July 10, 2012, at the South Whidbey Parks & Recreation District Meeting Room at 5475 Maxwellton Rd., Langley, Washington. Commissioner Curt Gordon (President) called the Regular Meeting to order at 7:30 p.m., followed by the Pledge of Allegiance.

CONSENT AGENDA

Approval of Current Vouchers: Vouchers audited and certified by the Auditing Officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Board, and have been presented to the Board for review. The vouchers so listed and presented are summarized on the attached Voucher Listing (**EXHIBIT A**).

Approval of Minutes: Minutes from the Regular Meeting of April 10 and Special Meetings of March 7, March 29, April 18 and May 3, 2012.

ACTION: A Motion was made by Commissioner Chris Jerome and seconded by Commissioner Dennis Gregoire to approve the Consent Agenda as submitted, including the authorization and acceptance of Vouchers dated July 2012 as signed today in the amount of \$74,118.90. The Motion passed unanimously.

FINANCIAL ACTION ISSUES

May 2012 Financial Report: The Commission acknowledged receipt of the May 2012 Financial Statement, which had been distributed to them previously (**EXHIBIT B**). Port Finance Manager Angi Mozer reported \$101,000 received tax and operating revenue, \$47,000 in operating expense and \$9,800 in capital expense (bond administration fees). The ending cash balance of the General and Bond Funds totaled \$1.3 million for May 2012.

Port Security Grant (Surveillance Cameras): Mozer said she is working with the Port's fiduciary agent and potential contractors to figure out how to get the cameras installed. The latest issue is the Environmental & Historic Preservation (EHP) permitting, which is required for putting cameras on older buildings. She has begun exploring mounting the cameras on poles instead, but if that's done in Langley, the City will require a building permit for the pole. Mozer also met with Island Transit and had an opportunity to view their camera system.

Grant Opportunity: Mozer reported that the Washington State Department of Commerce is offering a grant through their Community Economic Revitalization Board (CERB). Total grant funds to be allocated are \$12 million and ports are specifically eligible to apply for construction of publicly owned

infrastructure, facilities and related improvements. Requirements, criteria, applications and selection are still under development and Mozer said she will keep the Board updated as to progress.

PUBLIC COMMENT – Items not on Agenda:

Kathleen Waters of Langley offered her condolences to all who worked with Harbormaster Rick Brewer, who passed away July 1st. She wanted to acknowledge Rick's service to the community. She said, *"I know that's a serious blow to your staffing situation. Related to that, I would like to put in a word for Assistant Harbormaster Duncan McPhee. He is totally reliable, personable and knowledgeable."*

Jim Sundberg (Langley City Councilmember) said he spoke with Fred Lundahl (active with both the Langley Main St. Association and the Langley Chamber of Commerce), and Lundahl had asked him to convey his condolences and sense of loss and sadness at Rick's passing. Sundberg added, *"I'm sure that is shared by the rest of the administration in the City of Langley."*

ACTION ISSUES

Possession Beach Waterfront Park Update

1. Property Lease to AT&T: Mozer had an update from AT&T Representative Marianne Boring, who said AT&T recently made personnel changes in their Legal Department. They have had a change in personnel, specifically in their Legal department, which has resulted in AT&T requiring some changes to the legal language in the Lease Agreement that the Port previously signed. Boring will send the proposed revisions sometime next week.

2. Ramp Rebuild – Recreation & Conservation Office (RCO) Boating Facilities Program (BFP) Planning Grant Status: Mozer reported the Application was submitted prior to the July 2nd deadline. Port Operations Manager Ed Field thought the Port's chances for success were "pretty decent." He and Mozer will present the project for the Technical Review in early August, and the BFP Committee will provide feedback with pointers on how to improve the presentation.

South Whidbey Harbor Update

1. Boat Ramp Boarding Floats

A. Permit Issues

- **City of Langley:** Building Permit submittal under review; Design Review Board (DRB) presentation on July 17. The original submittal was two weeks ago, and a revision to the plans were submitted last week. Field said that Building Official Bob Snyder gave an initial indication that the Port might be able to get a permit by July 19th or 20th. Since it is really a non-controversial project, Field hopes the Port will get a quick turnaround from the DRB after July 17th; possibly in that same week.

B. Design Issues

- **Emergency Assistance from Saratoga Environmental & Land Services:** Field explained that Matt Kukuk of Saratoga Environmental & Land Services has provided assistance with the building permit and is currently working on the DRB process, including preparation and submittal of the DRB package ten days prior to the presentation. Field simply did not have time to prepare all of that, so Kukuk was brought in on an emergency basis for the work.

- **Reid Middleton – Direction to Proceed to Bid Documents:**

C. Construction Schedule – Tentative Dates & Duration: Field spoke with Shannon Kinsella of Reid Middleton today about a very tentative bid schedule. If the Port has DRB's decision and the Building Permit around July 20th, he said, *"We would hope to be able to get the bid package and contract documents ready to advertise by about August 1st, with a possibility of opening bids August 22nd (a 3-week bid period). That would give us 1½ weeks to award and we could give a contractor Notice to Proceed shortly after Labor Day. That would give the contractor almost 4 months for fabrication and installation."*

Gregoire didn't believe the Design Review Board should be involved at all in this project. He explained, *"In the future, as we work on the new Shoreline Plan, we want to get the regulations changed so that when the City of Langley issues a shoreline permit, everyone else in Puget Sound will view the shoreline permit as site plan review – there are no other reviews. That's it. One permit = one review for projects in the shoreline zone."*

If the Port gets the DRB approval and a building permit is issued in the next week or two, Field would like Commission authorization to proceed to bid documents and get Reid Middleton working on contract documents. He won't release it until the Port has the permits. Once the bid dates are set, a Special Meeting will need to be scheduled for the Commission to review the bids and award a bidder.

ACTION: A Motion was made by Gregoire and seconded by Jerome to move ahead on the Boat Ramp Boarding Floats project and authorize Field to proceed to bid documents. The Motion passed unanimously.

2. Phase 1: Breakwater Relocation with Uplands & Utility Improvements

A. Permit Issues

- **City of Langley Process Update and Additional Assistance for Langley Design Review Board/Permitting:** Field said he would like to sequence the entire Phase 1 permit sequence with Langley into the August process, just like the July process for the Boat Ramp Floats project. He's not expecting the process to go "anywhere near as quickly," though, because there are issues with parking, issues with lighting, etc. – a lot of visual issues that are also technical issues. He is proposing working toward presenting the Phase 1 project to the DRB in August.
- **Corps of Engineers Update:** No update.

B. Design Issues

- **Additional Assistance for Langley Design Review Board/Permitting:** Since Field will be working on the bid documents for the Boat Ramp Floats project during the next month or so, he would like to use outside consultant assistance for the DRB presentation and local level permits. Field has researched the Port's Small Works Consultants Roster and the RCWs regarding consultant selection and professional services. The professional services contracts apply to tasks which are not associated with public works project, and since this clearly is associated with a public works project such a contract does not apply. RCW 39.580.40 states:

The agency shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, based upon criteria established by the agency, the firm deemed to be the most highly qualified to provide the services required for the proposed project.

Although there are several environmental consulting firms and several land use consulting firms listed on the Port's Small Works Roster, Field said there is only one firm listed that is located on Whidbey Island, and the Port has a very specific issue with a local Whidbey agency. On that basis, he proposes the selection of Saratoga Environmental & Land Services to perform the specific task of dealing with the local jurisdiction (limited assistance).

ACTION: A Motion was made by Gregoire and seconded by Jerome to authorize Staff to engage Saratoga Environmental & Land Services for assistance with the Design Review process relating to the South Whidbey Harbor Phase 1 project. The Motion passed unanimously.

C. Property Issues

- **Proposed Port Management Agreement (PMA) and Aquatics Land Lease modifications with Department of Natural Resources (DNR):** Initial plan being revised for resubmittal. The Port has received the drafted plan drawings for the revised lease area from the surveyor. Staff is waiting to connect with DNR representative Don Olmsted and go over the technical questions on the drawings, which will let the Port finalize direction with the surveyor and submittal.
- **Lots 20 & 21:** West side boundary location being investigated by the escrow & title company. Field has not heard anything to date. Gordon said he would contact Barrett Escrow to try to get some information/update.

D. Funding Issues

- **Port Security Grant (FEMA), including Consortium coordination:** Mozer said the fiduciary agent is reviewing the Port's plan and has asked for clarification, feedback and some revised budget numbers. They also took the Port's budget and put it into FEMA format. The biggest thing is that they still need the Army Corps of Engineers permit to be approved so they can then move forward with their EHP process. Mozer noted that the fiduciary agent is very much a proponent of the project, and has tried to nail down all the details independently of the permitting process so that when all the permits are in place, they are ready to go and can go forward. Jerome noted that the Commission had agreed to go ahead with Phase 1 with or without FEMA.
- **Rural County Economic Development Fund (RCEDF) InterLocal Agreement (ILA):** Amendment requested 5/31/12 due to schedule/permitting issue. Elaine Marlow (Island County Clerk of the Board) has indicated that she received the Amendment and is putting it in process. Gordon said he would follow up with Marlow.

3. Phase 2 and Beyond: No update.

4. Harbor Operations: As noted earlier, the Port is dealing with staffing issues at the Harbor due to the death of Harbormaster Rick Brewer. For now through the end of the summer season, staffing appears to be adequate (Assistant Harbormaster Duncan McPhee and two part-time dockhands). At the end of the season and in conjunction with the budget process and consideration of the timeline on Phase 1, Field said they would need to revisit the Harbormaster staffing issue. McPhee is doing a great job covering in the interim, but there are important skills, background, and connections that Brewer had that McPhee does not. Field proposed putting the staffing issue on hold until the fall.

Gregoire said, *"This is another opportunity that we need to take advantage of in terms of bringing in an outside third party to assess the governance structure and the administration structure of the Port. Because things have changed – there are different conditions there now than existed when we set up the structure. I think we need to have a good evaluation of that governing structure so that the Commission can get a better idea of what we should have in order to move ahead. We have issues with permits, agencies, shoreline things...we've got a whole bunch of trains coming down the road. If we don't change, assess or modify our structure we are not going to survive 2013 and 2014 in terms of stuff that's coming out way."* As discussed at the last Special Meeting, Gregoire said he knows a former executive director of ports who will do some preliminary pro-bono help in terms of laying out a process, identifying issues and making recommendations in a more comprehensive approach.

Gordon agreed with Field's proposal to put off the discussion until fall, while monitoring the situation and evaluating staffing needs. Jerome agreed. Regarding Gregoire's comments, Jerome pointed out that the Port's Comprehensive Scheme needs to be revised in 2013 and he doesn't think the Commission should have staff and organizational discussions in a vacuum – it should be part of that Comp Plan update. Gregoire suggested that what they really need is a Strategic Plan, which is different than a Comp Plan, in that it is a set of policy statements and it's easier to do. He said it is essentially the vision of the Commission and the Staff – more words (goals, objectives, etc.) without physical maps or plans. He

continued, *“A Strategic Plan really deals with governance, it deals with our strong points, it deals with the environment in which we’re working, our successes and our challenges.”* Gordon said he liked the idea of a third party consultant and the Strategic Plan concept, but it sounds like it should be wrapped together during the Comp Scheme process. He suggested they could start working on the processes for both in November. The Commission agreed.

Clinton Beach, Fishing Pier & Dock Update

1. Emergency Stabilization and Wood Ramp Demolition and Removal Project: Field reported that Greenbank Metalworks did a great job stripping the entire wooden structure off of the dock, relocating the gangway landing structure and constructing a new pile hoop assembly to keep the dock from going west. The transition strip to cover up the 8-9” gap between the two docks was installed this morning, and Field said it was as safe as most docks now so he recommended re-opening it, with a few signs posted saying “use at your own risk.” He said, *“It’s now in reasonably good shape and we’ve got a good chance of getting through a few seasons.”* Per Gregoire’s request, Field was directed to contact the Port Attorney regarding the signs and the legal requirements, etc. prior to re-opening the dock.

Port Operations Updates

1. Dave Mackie/Maxwelton Park – Request for participation/assistance from Island County re: storm drainage: Field reported receiving two emails from Phil Cohen, Surface Water Manager from Island County Public Works, regarding an issue of flooding arising from two stormwater outfalls associated with the Park. The first email indicated he was writing to the Port because he assumed the Port has a shared interest with Island County in the Park based on the 1977 MOU between the Port and County. Cohen said he is considering installation of a temporary pump with a discharge to the boat ramp. Field said it is unclear how much (if any) assistance or participation Cohen is looking for. He pointed out that nowhere in that MOU or the ILA that gave the Port 25% ownership does it indicate that the Port has any maintenance responsibility – maintenance is entirely the County’s responsibility.

After brief discussion, the Commission directed Field to call Cohen and find out whether he was just presenting information or if he is seeking assistance or participation from the Port and if so, find out the specifics of that request.

2. Applications for Funds – Request from Langley Main Street Association (LMSA) re: Historic Photo Event: In March, the group was awarded \$1,000 to advertise their event. After changing the date so that it does not coincide with the Harbor’s DockStock event (per the Port’s request), LMSA realized they would not have music at their event, and they feel it would help draw people. They would like to shift some of the funding in order to pay for a band which already has a good following and pays for its own advertising. Gordon said he had no problem with that at all – non-profit groups like LMSA holding such events definitely brings economic benefit from off-island to South Whidbey. The Commission agreed.

New Project Opportunities

1. Mukilteo Parking Issues: (Gordon) Gordon said, *“The Port has done a great job as a Board (using the City of Langley and Island County) of pushing Mukilteo into helping decide an option for the new multimodal facility that will include about as much parking as one could expect coming out of the ferry system. It isn’t near enough for me, because they haven’t really added much parking but it appears now that they’re adding a space so that more parking can be built. Unfortunately, the earliest it breaks ground is 2014 with completion in 2020. Personally, I would like to see other parking solutions and there is more in the works.”* Gordon said he would continue to keep the Board informed on the issue.

ACTIVITIES/INVOLVEMENT REPORTS

Economic Development Council (EDC): (Jerome)

1. Island County Sign Code Update – First Draft: No comments.
2. Annual Luncheon on Friday, June 15 in Oak Harbor: No one was able to attend.

Council of Governments (COG): (Gordon) Gordon and Port of Coupeville Commissioner Benye Weber continue their efforts to find someone (non-elected) who will represent the ports, businesses and commerce on the Puget Sound Partnership's Island County Local Integrating Organization (ILIO), which has managed to secure about \$900,000 in grants.

Skagit-Island Regional Transportation Planning Organization (RTPO): (Gordon) Gordon said there hasn't been much going on lately, but fortunately the Highway Bill passed so it looks like the RTPO will be at least as well funded as last year.

Marine Resources Committee (MRC): (Gregoire) Gregoire said the MRC is happy that Penn Cove Shellfish is up and running again after the derelict vessel sank in Penn Cove. They are also pleased that the governors of Washington and Oregon have put out a list of 50 abandoned boats that are a priority for removal and will provide special funding to carry it out.

Washington Public Ports Association (WPPA): (Jerome) No report.

1. Finance & Administration Seminar June 20-22 at Sun Mountain Lodge in Winthrop: Mozer attended and said, *"It provided some excellent context to this particular position (finance manager). I learned a great deal and met a lot of people. There were seminars on economic development, marketing, and healthcare benefits for port employees, which was particularly interesting. The seminar on grant management wasn't very good, though."*

Puget Sound Partnership (PSP): No report.

Langley Shoreline Master Plan Committee: (Gregoire) Gregoire said the City is in the process of hiring a consultant.

Island County Shoreline Master Plan: (Gregoire) There will be a public hearing in August, and Gregoire is working on getting some placeholders put in for the Port's boat ramp facilities' development plan, etc.

Recreation & Conservation Office (RCO) Washington Wildlife & Recreation Program (WWRP) Water Access Committee: Field to attend August 18th in Olympia.

ADJOURNMENT: The Meeting was adjourned at 9:20 p.m.

Approved:



Commissioner Curt Gordon, Clinton




Commissioner Dennis Gregoire, Freeland



Commissioner Chris Jerome, Langley

Minutes prepared by:



Edwin S. Field, Port Operations Manager

Exhibit A: Voucher Listing

Exhibit B: May 2012 Financial Statement